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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,499	12/19/2001	Rongjun Zhang	3993968-126973	9359

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EXAMINER
KIM, CHONG HWA

ART UNIT	PAPER NUMBER
3682	

DATE MAILED: 01/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/026,499	ZHANG ET AL.	
	Examiner	Art Unit	
	Chong H. Kim	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 November 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *32-35* is/are allowed.

6)☒ Claim(s) *1-31 and 36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on Nov 22, 2002 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date as defined in 35 U.S.C. 154 to 156, and 173 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 19 and 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 19 recites the limitation that includes the screw that has an "axial movement" in line 9. Such description is not supported by the specification as originally filed and it is not understood how such axial movement can cause the relative movement between the first and second supports.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 19, 20, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites two motors in lines 6 and 10. It is indefinite because it is not clear how many motors there are in the claim.

Claim 24 recites "the first adjustable control pedals and the second adjustable control pedals for movement therewith" in lines 2-3. It is indefinite because it is not clear how many first and second pedals there are. Furthermore, it is advised to change "the adjustable control pedal" to -- the control pedal -- to maintain the consistency in the naming convention, in claims 24 and 26.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Chapman et al., U.S. Patent 6,450,061 B1.

Chapman et al. shows, in Fig. 4, a control pedal assembly comprising, in combination;

a pair of control pedals AC and CL, each of the pair of control pedals having a first support (2 and 4), an adjustment member (screws), and a second support member (the element that links the pedal to the adjustment member);

a motor 1 connected to the adjustment member and adapted to move the second support member relative to the first support member;

a sensor A located on at least one of the pair of the control pedals, the sensor sensing the movement of the second support member relative to the first support member;

a controller member 22 in communication with the sensor to receive signals from the sensor, wherein the controller member is adapted to stop the motor when signals from the sensor indicate that the second member is not moving relative to the first member;

wherein the sensor is located away from the motor and near the adjustment member;

wherein the controller member moves the second support member to a predetermined position when predetermined conditions are met;

wherein the predetermined conditions are a manual switch (18 and 33) and a memory device 26;

wherein the predetermined position is a forward position;

wherein the controller member further includes a control device 26 in communication with the controller member and adapted to prevent movement of the second support member relative to the first support member when engaged; and

wherein the controller member is adapted to automatically move the second support member in a forward direction relative to the first support member to a predetermined position when predetermined conditions are met.

8. Claims 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Chapman et al., U.S. Patent 6,450,061 B1.

Chapman et al. shows, in Fig. 4, a control pedal assembly comprising, in combination;

first and second control pedals (AC and CL), each control pedal comprising a first support 2 and 4, a screw secured to the first support, a nut N threadably engaging the screw and adapted to axially move along the screw upon rotation of the screw, and a second support (levers connecting the pedals and the screws) operatively connected to the nut for fore-aft movement of the second support relative to the first support upon axial movement of the nut along the screw;

a control system including at least one motor 1 operatively connected to the screws to selectively rotate the screws and axially move the nuts along the screws, a sensor A carried by one of the first and second control pedals, and a controller 22 in communication with the sensor to receive signals from the control device;

wherein the rotational sensor is located away from the motor and near the screw; and

wherein the controller is adapted to automatically stop the motor when signals from the sensor indicates that at least one of the motor and the screw is not rotating.

9. Claims 10-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Chapman et al., U.S. Patent 6,450,061 B1.

Chapman et al. shows, in Fig. 4, a control pedal comprising, in combination;

a first support 2;

a screw secured to the first support;

a nut N threadably engaging the screw and adapted to move axially along the screw upon rotation of the screw;

a motor 1 operatively connected to the screw to selectively rotate the screw;

a second support (lever connecting the pedal and the screw) operatively connected to the nut for fore-aft movement of the second support relative to the first support upon axial movement of the nut along the screw;

a control system including a sensor A adjacent one of the first support and the second support, to sense movement of the second support relative to the first support and a controller 22 in communication with the sensor to receive signals from the sensor;

wherein the sensor is spaced-apart from the motor;

wherein the sensor is a potentiometer P;

wherein the controller is adapted to determine a position of the second support relative to the first support based on signals from the sensor and to automatically stop the motor when the second support reaches a predetermined position relative to the first support;

wherein the controller is adapted to determine a position of the second support based on signals from the sensor and to automatically stop the motor when the second support reaches a desired end of travel relative to the first support;

wherein the controller is adapted to automatically stop the motor when signals from the sensor indicates that the second support is not moving relative to the first support;

wherein the controller is adapted to automatically move the second support in a forward direction relative to the first support to a predetermined position when predetermined conditions are met;

wherein the controller member further includes a control device 26 in communication with the controller member and adapted to prevent movement of the second support member relative to the first support member when engaged;

wherein the sensor senses rotation of the screw; and

wherein one of the first support and the second support carrying a pedal AC.

10. Claim 21 rejected under 35 U.S.C. 102(e) as being anticipated by Chapman et al., U.S. Patent 6,450,061 B1.

Chapman et al. shows, in Fig. 4, a control pedal assembly comprising, in combination;

first and second control pedals (AC and CL), each control pedal including a first support 2 and 4, a screw secured to the first support, a nut N threadably engaging the screw and adapted to axially move along the screw upon rotation of the screw, and a second support (lever connecting the pedal and the screw) operatively connected to the nut for fore-aft movement of the second support relative to the first support upon axial movement of the nut along the screw;

a control system including at least one motor 1 operatively connected to the screw on one of the first support and the second support to selectively rotate the screw and axially move the nut along the screw, at least one sensor A carried by one of the first control pedal and the second control pedal to sense rotation of the screw of one of the first control pedal and the second control pedal, and a controller 22 in communication with the sensor to receive signals from the sensor; and

wherein the screws of the first and second control pedals are operatively connected to the motor in series such that the screw of the second control pedal is connected to the motor and the screw of the first control pedal is connected to the screw of the second control pedal.

11. Claims 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Chapman et al., U.S. Patent 6,450,061 B1.

Chapman et al. shows, in Fig. 4, a control pedal assembly comprising, in combination;

first and second control pedals (AC and CL), each control pedal comprising a first support 2 and 4, a screw secured to the first support, a nut N threadably engaging the screw and adapted to axially move along the screw upon rotation of the screw, and a second support (lever connecting the pedal and the screw) operatively connected to the nut for fore-aft movement of the second support relative to the first support upon axial movement of the nut along the screw;

a control system including at least one motor 1 operatively connected to the screws to selectively rotate the screws and axially move the nut along the screw, a sensor A located adjacent to one of the second control pedal and the first control pedal, and a controller 22 in communication with the sensor to receive signals from the sensor, wherein the controller is adapted to determine the position of the second support relative to the first support based on signals from the sensor and to automatically stop the motor when the position of the second support relative to the first support indicates that a predetermined fore-aft relationship between the pedals has not been maintained;

wherein the sensor is at least partially secured to one of the first and second adjustable control pedals for movement therewith;

wherein the sensor is a potentiometer;

wherein the sensor is located near the screw of one of the first and second control pedal to directly sense the rotation of the screw.

12. Claims 27-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Chapman et al., U.S. Patent 6,450,061 B1.

Chapman et al. shows, in Fig. 4, a control pedal assembly comprising, in combination;

first and second adjustable control pedals (AC and CL), each adjustable control pedal comprising a first support 2 and 4, a screw secured to the first support, a nut N threadably engaging the screw and adapted to axially move along the screw upon rotation of the screw, and a second support (lever connecting the pedal and the screw) operatively connected to the nut for fore-aft movement of the second support relative to the first support upon axial movement of the nut along the screw, the pedals of the first and second adjustable control pedals having a predetermined fore-aft relationship, which is desired to be maintained;

a control system including at least one motor 1 operatively connected to the screws to selectively rotate the screws and axially move the nut along the screw so that the second supports move relative to the first supports, a sensor A secured to one of the first adjustable control pedal and the second adjustable control pedal to indicate a position of the second support relative to the first support, wherein the sensor is operatively connected to the motor to stop rotation of the motor when the sensor indicates that the predetermined fore-aft relationship between the pedals has not been maintained;

a controller 22 in communication with the sensor to receive signals from the sensor, wherein the controller determines position of the nuts along the screw based on signals from the sensor;

wherein one of the first support and the second support carrying a pedal AC and CL;

wherein the screws are operatively connected to the motor in series such that the screw of the second adjustable control pedal is connected to the motor and the screw of the first adjustable control pedal is connected to the screw of the second adjustable pedal.

13. Claim 36 is rejected under 35 U.S.C. 102(e) as being anticipated by Chapman et al., U.S. Patent 6,450,061 B1.

Chapman et al. shows, in Fig. 4, a control pedal comprising, in combination;

a first support 2;

a screw secured to the first support;

a nut N threadably engaging the screw and adapted to move axially along the screw upon rotation of the screw;

a second support (lever connecting the pedal and the screw) operatively connected to the nut for fore-aft movement of the second support relative to the first support upon axial movement of the nut along the screw;

a sensor A adjacent to one of the first support and second support;

a motor 1 operatively connected to the screw to selectively rotate the screw and axially move the nut along the screw; and

a control system connected to the sensor and comprising a lock-out switch 33 adapted to be manually engaged and disengaged and operatively connected to the motor to prevent movement of the second support relative to the first support when the lock-out switch is engaged and to allow movement of the second support relative to the first support when the lock-out switch is disengaged.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman et al.

Chapman et al. shows, as discussed above in the rejections of claims 1 and 21, the control pedal assembly comprising the pair of control pedals having a sensor, but fails to show a second sensor.

It would have been obvious to include a second sensor since such a modification would have involved a mere duplication of parts which is generally recognized as being within the level of ordinary skill in the art. *In re Harza*, 124 USPQ 378.

Response to Arguments

16. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

17. Claims 32-35 are allowed.

18. The following is a statement of reasons for the indication of allowable subject matter:

Neither prior art of record nor reference teach a control pedal system comprising an adjustable device to adjust the position of the pedal wherein the controller automatically operating the motor to a predetermined position in a forward direction when a certain conditions such as an ignition switch being turned off and a door being opened are met.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adjustable control pedal system with predetermined condition sensors.

Levine, U.S. Patent 6,293,584 B1

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chong H. Kim whose telephone number is (703) 305-0922. The examiner can normally be reached on Monday - Friday; 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

chk
January 2, 2003

CHONG H. KIM
PRIMARY EXAMINER